

EXHIBIT C

San Francisco Police Department

070438635

Report Type: Initial

INCIDENT REPORT

I N C I D E N T	Incident Number 070-438-635	Occurrence from Date/Time 04/29/07 18:03	Occurrence to Date/Time	Reported Date/Time 04/29/07 18:03	CAD Number 071192926	
	Type of Incident Weapon, Assault, Possession, Manufacture, or Sale -12171, Firearm, Possession By Prohibited Person -12080, Child, Inflicting Physical Pain, Mental Suffering, or Death -15015					
	Location of Occurrence 1855 Sunnydale Av At Intersection with/Premise type Apartment					
	Confidential Report? <input type="checkbox"/>	Arrest Made? <input checked="" type="checkbox"/>	Suspect Known? <input checked="" type="checkbox"/>	Suspect Unknown? <input type="checkbox"/>	Non-Suspect Incident? <input type="checkbox"/>	Domestic Violence? <input type="checkbox"/> (Type of Weapon Used)
	Reporting Unit 3H16D					
	Location Sent 1855 Sunnydale Av					
How Cleared? 6	Reported to Bureau Operations Center	Name Borges	Star 95	Date/Time 04/29/07 21:40	Elder Victim <input type="checkbox"/> Gang Related? <input type="checkbox"/> Juvenile Subject? <input type="checkbox"/> Prejudice Based? <input type="checkbox"/>	

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D E C L A R A T I O N	I declare under penalty of perjury, this report of <u>6</u> pages is true and correct, based on my personal knowledge, or is based on information and belief following an investigation of the events and parties involved.				
	PROP 115 CERTIFIED		POST TRAINING		Signature: <u>[Signature]</u>
	Reporting Officer Kobold, Robert C.	Star 1592	Station Ingleside Station	Watch 1600-0200	Date 04/30/07 01:32:35
	Reviewing Officer <u>SGT J. J. USINO 1588</u>	STAR	Station Ingleside Station	Watch 1600-0200	Date 4/30/07
	OIC	STAR	Station Ingleside Station	Watch	Date
	Related Case 070-433-516	Related Case	Re-Assigned to Copies to 5G200 5G200 5T300	Assigned to 5G200	Assigned by RCK 1592

R E P O R T E E	Code R 1	Name (Last, First Middle) SFPD, Reboil #1651 Kobold #1592				Alias	
	Day Phone	Type Refused	Home Address Refused		City	State	Zip Code
	Night Phone (415) 404-4000	Type Work	Work Address Ingleside Station		City San Francisco	State CA	Zip Code 94112-
	DOB / Age	DOB Unk <input type="checkbox"/>	or age between and	Race	Sex	Height	Weight
	Confidential Person <input type="checkbox"/>	Violent Crime Notification <input type="checkbox"/>	293 PC Notification <input type="checkbox"/>	Star	Follow-up Form YES <input type="checkbox"/>	Statement YES <input type="checkbox"/>	Relationship to Subject Stranger/None
	School (if Juvenile)	Injury/Treatment		Other Information/If Interpreter Needed Specify Language			

B O O K E D	Code B 1	Name (Last, First Middle) Whitfield, Marcus				Alias	
	Day Phone	Type Unknown	Home Address 943 Drake Ave		City Sausalito	State CA	Zip Code 94965-
	Night Phone	Type Unknown	Work Address None		City	State	Zip Code
	DOB Unknown <input type="checkbox"/>	Date of Birth 03/21/85	Age 22	or age between and	Race B	Sex M	Height 5'11
	Weight 170	Hair Color BLK	Eye Color BRO				
	SFNO 613035	J/D# (if Juv.)	ID Type/Jurisdiction/Number CII CA 20082280	ID Type/Jurisdiction/Number FBI US* 607680JB3	ID Type/Jurisdiction/Number		
	Book Section #1 NW 12316(b)(1)	Book Section #2 NW 12280(a)(1)	Book Section #3 NW 12020(a)(2)	Book Section #4 NW 12021(a)(1)	Book Section #5 273a(b) PC	Booking Location Ingleside Station	
	Warrant #	Court #	Action #	Dept	Enroute to	CWB Check Brown	Star #703
	Warrant Violation(s)	Bail	Mirandized <input checked="" type="checkbox"/>	Star #219	Date 04/29/07	Time 22:30	Statement <input type="checkbox"/>
	Chitun #	Violation(s)	Appear Date/Time	Location of Appearance			
Book/Cite Approval <u>SGT SAINTE 11007</u>	Star	Mass Arrest Code	M X-Rays <input type="checkbox"/>	School (if Juvenile)	<input type="checkbox"/> CA Form Booked Copy Attached		
Other Information: Citation/Warrant/Booking Charge(s)/Missing Person-Subject Description; Scars, Marks, Tattoos LSW: Red Jacket, white t-shirt, black jeans, black shoes							

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ADDITIONAL REPORTEE

RP CODES: F - FOUND; N - NOTIFY; P - PARENT; R - REPORTEE; V - VICTIM; W - WITNESS

R / W I T N E S S	Code RW 1	Name (Last, First Middle) Colvin, Donecia				Alias					
	Day Phone (415) 601-0772		Type Cell	Home Address 1855 Sunnydale Ave		City San Francisco		State CA	Zip Code 94134-		
	Night Phone (415) 601-0772		Type Cell	Work Address None		City		State	Zip Code		
	DOB/ 02/01/92	Age 15	DOB Unk <input type="checkbox"/>	or age between AND	Race B	Sex F	Height	Weight	Hair Color	Eye Color	ID No.
	Confidential Person <input type="checkbox"/>	Violent Crime Notification <input type="checkbox"/>		293 PC Notification <input type="checkbox"/>		Star	F/U Form YES <input type="checkbox"/>	Statement YES <input type="checkbox"/>	Relationship to Subject Sibling		
	School (if Juvenile) Principal Cente		Injury/Treatment None				Other Information/If Interpreter Needed Specify Language Email: doneciacolvin@aol.com				

P A R E N T	Code P 1	Name (Last, First Middle) Colvin, Duane P				ALIAS					
	Day Phone (415) 671-0772		Type Cell	Home Address 124 Coral Ct		City San Francisco		State CA	Zip Code 94124-		
	Night Phone (415) 671-0772		Type Cell	Work Address None		City		State	Zip Code		
	DOB/ 11/14/51	Age 55	DOB Unk <input type="checkbox"/>	or age between AND	Race B	Sex M	Height	Weight	Hair Color	Eye Color	ID No. DL N8377929 CA
	Confidential Person <input type="checkbox"/>	Violent Crime Notification <input type="checkbox"/>		293 PC Notification <input type="checkbox"/>		Star	F/U Form YES <input type="checkbox"/>	Statement YES <input type="checkbox"/>	Relationship to Subject Stranger/None		
	School (if Juvenile)		Injury/Treatment				Other Information/If Interpreter Needed Specify Language Father of (R/W1) D. Colvin				

P A R E N T	Code P 2	Name (Last, First Middle) Colvin, Janice				ALIAS					
	Day Phone		Type	Home Address 1855 Sunnydale Ave		City San Francisco		State CA	Zip Code 94124-		
	Night Phone		Type	Work Address		City		State	Zip Code		
	DOB/ Unk <input checked="" type="checkbox"/>	Age	DOB	or age between AND	Race	Sex	Height	Weight	Hair Color	Eye Color	ID No.
	Confidential Person <input type="checkbox"/>	Violent Crime Notification <input type="checkbox"/>		293 PC Notification <input type="checkbox"/>		Star	F/U Form YES <input type="checkbox"/>	Statement YES <input type="checkbox"/>	Relationship to Subject		
	School (if Juvenile)		Injury/Treatment				Other Information/If Interpreter Needed Specify Language Mother of (R/W1) D. Colvin				

	Code	Name (Last, First Middle)				Alias					
	Day Phone		Type	Work Address		City		State	Zip Code		
	Night Phone		Type	WORK ADDRESS		City		State	Zip Code		
	DOB/ Unk <input type="checkbox"/>	Age	DOB	or age between AND	Race	Sex	Height	Weight	Hair Color	Eye Color	ID No.
	Confidential Person <input type="checkbox"/>	Violent Crime Notification <input type="checkbox"/>		293 PC Notification <input type="checkbox"/>		Star	F/U Form YES <input type="checkbox"/>	Statement YES <input type="checkbox"/>	Relationship to Subject		
	School (if Juvenile)		Injury/Treatment				Other Information/If Interpreter Needed Specify Language				

SFPD377 B (03/03)

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PROPERTY LISTINGS**

E	Code/No EVD 1	Item Description Firearm				Brand Intratec	Model Tec-9	
1	Serial No. 64484	Gun Make INTRATEC	Caliber 9mm	Color BLK	Narcotics Lab No.	Quantity 1	Value Unknown	
Seized by (Star) #89		From Where Under the mattress of the upstairs bedroom at 1855 Sunnydale Ave						
Additional Description/Identifying Numbers Found in the vicinity of the (E2) Magazine								
E	Code/No EVD 2	Item Description Magazine				Brand Unknown	Model Unknown	
2	Serial No. None	Gun Make	Caliber 9mm	Color BLK	Narcotics Lab No.	Quantity 1	Value Unknown	
Seized by (Star) #89		From Where Under the mattress of the upstairs bedroom at 1855 Sunnydale Ave						
Additional Description/Identifying Numbers Found in the vicinity of the (E1) Firearm, loaded with 14 9mm rounds								
E	Code/No EVD 3	Item Description Photograph				Brand	Model	
3	Serial No.	Gun Make	Caliber	Color	Narcotics Lab No.	Quantity 1	Value None	
Seized by (Star) #89		From Where The mirror on the wall of the upstairs bedroom at 1855 Sunnydale Ave						
Additional Description/Identifying Numbers Taped to the mirror in plain view, photo of (B1) Whitfield								
E	Code/No EVD 4	Item Description Floppy Disk				Brand	Model	
4	Serial No.	Gun Make	Caliber	Color	Narcotics Lab No.	Quantity 1	Value None	
Seized by (Star) #1651		From Where Photos taken of upstairs bedroom at 1855 Sunnydale Ave						
Additional Description/Identifying Numbers Digital photos saved to disk; photos of the (E1) firearm and (E2) magazine where found, photos of the upstairs bedroom								
E	Code/No EVD 5	Item Description Floppy Disk				Brand	Model	
5	Serial No.	Gun Make	Caliber	Color	Narcotics Lab No.	Quantity 1	Value None	
Seized by (Star) #1592		From Where Photos of injuries to (B1) Whitfield's left thumb						
Additional Description/Identifying Numbers Digital photos saved to disk								
E	Code/No EVD 6	Item Description Strap				Brand	Model	
6	Serial No.	Gun Make	Caliber	Color	Narcotics Lab No.	Quantity 1	Value Unknown	
Seized by (Star) #89		From Where Attached to (E1) Firearm						
Additional Description/Identifying Numbers Strap attached to (E1) Firearm								
E	Code/No EVD 7	Item Description Written Statement				Brand	Model	
7	Serial No.	Gun Make	Caliber	Color	Narcotics Lab No.	Quantity 1	Value None	
Seized by (Star) #1651		From Where Written by Officer Reboli #1651						
Additional Description/Identifying Numbers Signed written statement								

San Francisco Police Department
NARRATIVE**070438635**

Additional Charges: N/W 136.1(b)(1) PC, 243(e)(1) PC

On 04/29/2007 at 1803 hrs, while driving westbound on Sunnydale Ave 100 feet west of the intersection with Santos Ave, my partner, Officer Reboli #1651, observed a person who he believed matched the description of subject who was on parole and a person of interest in several open shooting investigations. As we stopped in order to investigate, 3H90C, Officers Morrow #1196 and Anderson #516 responded to the scene.

As we approached the subject Officer Anderson recognized him as (B1) Whitfield, who was a suspect in a domestic violence incident which occurred on 04/28/07 (see case number 070433516). It should be noted that Officer Anderson was one of the officers who responded to the scene in the earlier domestic violence incident and had seen Whitfield's SFPD Mugshot photo. Officer Reboli and I detained Whitfield pending a further investigation. I handcuffed Whitfield, checked the handcuffs for appropriate tightness and double locked them.

I contacted 3H200, Sgt Sainez #1667, at Ingleside Station, and he confirmed that on 04/28/07 Whitfield had been accused of injuring the victim by dragging her by her clothing and throwing her to the ground (243(e)(1) P.C. violation) and taking the victim's cell phone in order to prevent her from calling 911 (N/W 136.1(b)(1) P.C. violation) (see case number 070433516). Sgt Sainez determined that based on the victim's statements and the injuries she had sustained that Whitfield should be booked for the listed charges.

With Sgt Sainez's approval I placed Whitfield under arrest and Officer Reboli and I transported Whitfield to Ingleside Station. At Ingleside Station Officer Reboli identified Whitfield using his SFPD Mugshot photo. I served Whitfield with the Emergency Protective Order (EPO) approved by Judge Tang on 04/28/07 at 0230 hrs (see attached EPO). I observed that Whitfield had an injury to his left thumb. I asked Whitfield how he had injured his thumb and he stated, "my girl bit me there yesterday". I took three digital photos of the injury to Whitfield's thumb and saved them to the (E4) floppy disk.

On 04/28/07 the victim in the domestic violence incident had stated to Officer Ortiz #1131 that Whitfield kept a "full automatic Tec-9 [submachine gun] under his mattress" at his residence at 1855 Sunnydale Ave. Officer Ortiz noted this statement in the incident report. A computer check revealed that Whitfield was subject to a warrantless search condition as a condition of court probation through 06/21/2009 (see court #02260553). Sgt Sainez ordered Officer Reboli and I as well as the 3H75, Officer Campos #89 and Officer Trail #921 to respond to the residence at 1855 Sunnydale Ave in order to investigate.

Upon arrival at 1855 Sunnydale Ave Officer Reboli and Officer Campos knocked on the front door. Officer Trail and I responded to the back door of the residence. The door was answered by (R/W1) D. Colvin. Officer Campos asked to speak with D. Colvin's mother or guardian. D. Colvin stated that she was alone at home. Officer Campos asked D. Colvin if she could call her mother, but she stated that she did not have a phone number she could reach her mother at. Officer Campos asked D. Colvin if she was normally left at home for several days without adult supervision and she stated "yeah".

Officer Campos asked D. Colvin if she had any brothers living at the residence and she stated yes. Officer Reboli asked D. Colvin if she was related to Whitfield and she stated yes. Officer Reboli asked D. Colvin if Whitfield stays or lives at the residence and she answered, "yeah, he stays here". Officer Campos asked D. Colvin where Whitfield stays at when in the residence, and she

pointed toward the ceiling at the upstairs bedroom.

Officer Campos asked D. Colvin if officers could check the bedroom with her help. Colvin stated "yeah" and led Officer Campos and Officer Reboli upstairs. Once inside the bedroom, Officer Campos asked D. Colvin if she could lift up the mattress so the officers could check under it. Once D. Colvin lifted up the mattress Officer Campos and Officer Reboli observed the (E1) firearm (Intratec Tec-9 9mm Submachine gun) (12020(a)(2) P.C. violation, 12021(a)(1) P.C. violation) and (E2) loaded magazine (12316(b)(1) P.C. violation) laying underneath.

It should be noted that the Intratec Tec-9 sub-machine gun is defined as a prohibited firearm under 12276 P.C. (12280(a)(1) P.C. violation).

Officer Campos took digital photos of the firearm and the magazine where they were found under the mattress and photos of the bedroom and saved them to (E5) Floppy Disk. On 04/29/2007 at 2140 hrs I contacted Officer Bores #95 at the Operations Center and informed her of the incident. Officer Borges contacted the SFPD Crime Scene Investigations (CSI) unit and the Gang Task Force (GTF).

D. Colvin stated to me that there was a picture of Whitfield on the mirror in the upstairs bedroom. Officer Campos responded to the bedroom and seized the (E3) photo of Whitfield from the mirror. Officer Reboli seized the photo from Officer Campos.

Using a fresh pair of latex gloves, Officer Campos seized the firearm and the magazine from under the mattress and placed them inside a paper evidence bag. Officer Campos transported the firearm and the magazine to Ingleside Station.

I asked D. Colvin who stayed in the bedroom where the firearm was found and she stated that Whitfield and her little brother stayed there. I asked D. Colvin how old her little brother was and she stated 11 years old (273a(b) P.C. violation).

D. Colvin provided Officer Campos with contact information for her father, (P1) Duane Colvin. Officer Campos contacted Duane Colvin and informed him of the incident. 3C200, Sgt Perez #2217, responded to Duane Colvin's residence at 124 Coral Ct and drove him to 1855 Sunnydale Ave. Duane Colvin took custody of D. Colvin at the scene. Duane Colvin provided Officer Reboli with the contact information for D. Colvin's mother, (P2) Janice Colvin. Officer Reboli contacted Janice Colvin by telephone but she refused to respond to the scene.

5L20, Insp. Mar #547 of the CSI unit, responded to Ingleside Station. While wearing a fresh pair of latex gloves Insp. Mar removed the strap attached to the firearm. Officer Reboli seized the strap from Insp. Mar. Insp. Mar dusted the firearm and magazine for fingerprints and lifted a latent print from the magazine. Insp. Mar removed 14 9mm rounds from the magazine. Officer Reboli seized the firearm from Insp. Mar.

5O3, Insp. Noble #219 and 5O4, Officer Broberg #1450, of the GTF, responded to Ingleside Station. Insp. Noble and Officer Broberg interviewed Whitfield at Ingleside Station and he stated that he had no knowledge of the firearm.

Officer Reboli booked the (E1) firearm, the (E2) magazine with 14 9mm rounds, the (E3) photo, the (E4) floppy disk, the (E5) floppy disk, the (E7) strap and the (E8) written statement into evidence at Ingleside Station.

With Sgt Sainez's approval Officer Reboli booked Whitfield at Ingleside Station on the listed charges.

Attached to this report is a copy of the served EPO and Officer Reboli's written statement.

I faxed a copy of this report to the SFPD Domestic Violence Unit, the Gang Task Force and the ATF ("Operation Triggerlock II").